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Attorneys for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

INHERENT.COM, INC. a/k/a INHERENT, INC., Plaintiff, v. MARTINDALE-HUBBELL, LEXIS/NEXUS INC., and DOES 1 through 200 inclusive, Defendant.	Docket No. C 3:05-cv-03515 MHP **DECLARATION OF PATRICK E. CATALANO INTRODUCING NEW EVIDENCE**

I, Patrick E. Catalano, declare as follows:

1. I am an attorney at law duly authorized to practice before all the Courts of the State of California and am attorney of record for Plaintiffs herein.

2. I make the following statements from personal knowledge, unless otherwise stated. I can and will testify competently to the matters stated herein if called upon to do so.

3. Inherent.com (hereinafter "ICI") has moved its headquarters from Oregon to Suite 333, 781 Beach Street, San Francisco, CA.

4. The president of Inherent (Debra Kamys) has sold her home in Oregon and has purchased a new home in Marin County, California.

Dockets.Justia.com

5. The following is offered to prove that ICI's move to San Francisco is legitimate and that ICI is now principally located in San Francisco:

a. Mrs. Kamys is originally from the San Francisco area and has family in the area.

b. Mrs. Kamys children are enrolled in and attend primary school in the San Francisco Bay area.

i. Mrs. Kamys can and will provide proof to the Court of the following if required:

1. The sale of her primary Oregon residence, and
2. Subsequent purchase of her new primary residence in California;
3. Contact information to the primary schools that her children attend in the San Francisco Bay area.

6. ICI receives mail service at its current address of Suite 333, 781 Beach Street, San Francisco, CA 94109.

7. ICI was issued a business license by the City of San Francisco. A true and correct copy of ICI's business license is attached as proof (See Exhibit A).

8. ICI is temporarily subleasing office space from the Law Offices of Patrick E. Catalano at Suite 333, 781 Beach Street, San Francisco, CA.

9. Mrs. Kamys can be contacted at ICI in San Francisco at (415) 632-8108.

10. Mrs. Kamys is the only full time employee in San Francisco.

11. ICI no longer maintains office space in Portland, Oregon.

12. Prior to litigation, in an attempt to resolve this dispute amicably and ascertain Martindale-Hubbell's position, Inherent.com sent a letter to Martindale-Hubbell. This letter detailed the events that led up to the breakdown of the parties' agreement. Further, it advised Martindale Hubbell of ICI's intention to file suit on July 18, 2005 if the issues could not be resolved. A true and correct copy of this letter is attached as proof (See Exhibit B).

13. Martindale Hubbell never contacted Inherent to discuss or remedy any issues raised by ICI regarding this matter. Furthermore, Martindale never hinted at suit, prior to the filing of their July 18, 2005 action.

14. On September 22, 2005, in a letter to the New Jersey District Court regarding a related matter entitled Reed Elsevier v. Inherent.com, plaintiff's counsel intimated that ICI was venue shopping and for this reason, ICI filed suit in California. This assertion is totally false and incorrect.

15. The Law Offices of Patrick E. Catalano and ICI have a long-standing business relationship, as I have worked on several other matters for ICI in the past. This is a continuation of that relationship.

16. As stated above, in early July, ICI advised Martindale of its intention to file suit in California, as ICI had relocated to California. Subsequently, Reed ran to the New Jersey courthouse to file suit before ICI filed its papers in California.

I declare under the penalty of perjury that the foregoing is true and correct.
Executed this 28th day of October 2005, at San Francisco, California.

Patrick E. Catalano